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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,120	12/11/2003	Vincent C. Skurdal	200309729-1	1934
22879 7590 09/22/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER				
SAX, STEVEN PAUL				
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE		DELIVERY MODE		
09/22/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/735,120

Applicant(s)

SKURDAL ET AL.

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-10, 12-22, 30, 31, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 12-22, 30, 31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined.
2. The amendment filed 3/13/08 has been entered.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-10, 12-19, 21-22, 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Abruna (5495302).
5. Regarding claim 1, Abruna shows a method comprising: sensing for a human presence in a region proximate a processing system independently of any human engagement of the processing system (abstract, column 4 lines 10-45); generating a signal based on said sensing and controlling at least one user-perceptible output of the processing system based, at least in part, on said signal

Art Unit: 2174

(column 6 lines 34-53). The act of controlling comprises powering-up at least a portion of the processing system when a user is detected after a period when no user had been detected (column 7 lines 20-50).

6. Regarding claim 2, said act of sensing comprises sensing the region from which a user can view a visual output of the processing system (column 5 lines 35-55).

7. Regarding claim 3, said act of controlling comprises muting an audio output associated with the processing system when the human presence is detected (see abstract, the audio is cut off with the visual).

8. Regarding claim 4, said act of controlling comprises blanking a display device associated with the processing system when the human presence is detected (column 7 lines 15-25).

9. Regarding claim 5, said act of controlling comprises blanking a display device associated with the processing system when the human presence is not detected (column 7 lines 20-45).

10. Regarding claim 6, said act of controlling comprises blanking a display device associated with the processing system if the human presence is not detected for a period of time (column 7 lines 25-49).

11. Regarding claim 8, in addition to that mentioned for claim 1, the display device is powered up from a stand-by mode to an active mode when the user is detected (column 7 lines 1-23).

12. Claim 9 shows the same features as claim 2 and is rejected for the same reasons.

12. Regarding claim 10, the display device is powered up when the user is detected (column 7 lines 20-49).

13. Regarding claim 12, at least a portion of the processing system is powered up when a user is detected after a period when no user had been detected (column 7 lines 20-50).

14. Regarding claim 13, said causing comprises powering-down the display device when the user is not detected (column 7 lines 10-34).

15. Regarding claim 14, said causing comprises powering-down the display device when the user is not detected for a predetermined period of time (column 7 lines 25-49).

Art Unit: 2174

16. Claims 15-16 show the same features as claims 1-2 and are rejected for the same reasons.

17. Regarding claim 17, the means for affecting comprises a means for processing which is positioned in a means for remotely controlling the display device (column 5 lines 50-65).

18. Regarding claim 18, the means for generating a signal comprises a sensor (column 5 lines 35-45).

19. Regarding claims 19, 21-22, the means for creating a user-perceptible image comprises a digital device, a liquid crystal device (column 7 lines 20-30), or an analog device such as a cathode ray tube (column 5 lines 40-55).

20. Regarding claim 30, note a second device coupled to the display device wherein the second device contains a second processor and wherein a processing speed of the second processor can be affected by the signal (column 7 lines 1-29).

21. Regarding claim 31, the sensor is located above the display (column 5 lines 45-60).

Art Unit: 2174

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 20 and 33-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Abruna (5495302).

24. Regarding claim 20, in addition to that mentioned for claim 15, the LCD is not specifically mentioned, but a various display devices to output an image are mentioned to output an image. Examiner takes Official Notice that an LCD is convenient output device to output an image. It would have been obvious to a person with ordinary skill in the art to have this in Abruna, because it would allow a convenient way to output an image.

25. Regarding claim 33, in addition to that mentioned for claim 30 or 32, the tower is not specifically mentioned but there is a source for the television signal. Examiner takes Official Notice that a tower would be a source for the television signal. It would have been obvious to a person with ordinary skill in the art to have this in Abruna, because it would allow a convenient source for the television signal.

Art Unit: 2174

26. Regarding claim 34, in addition to that mentioned for claim 32, the personal computer per se is not mentioned, but a convenient processor is. Examiner takes Official Notice that a personal computer is a convenient processor. It would have been obvious to a person with ordinary skill in the art to have this in Abruna, because it would be a convenient processor.

27. Applicant's arguments filed have been fully considered but they are not persuasive. Please note that the claim recitations are still broad, and are interpreted as such. Regarding claim 1, applicant argues the "powering up" feature. Note however that the claim recites "powering up at least a portion of the processing system..." Abruna in fact does show a portion of the processing system being powered up, that is having power applied thereto, in response at least in part to the signal. Applicant may be intending more, but this is not present in the claim recitation. Even in applicant's argument on page 9, applicant describes this feature by discussing the powering up or down of the **television set**, but the claim does not recite the television set, the claim merely recites a **portion of the processing system** which is standard, and which is broad. Also, the recitation of "after a period when no user had been detected" is also broad in that the period could be a second as well as an hour, the time is not specified. Abruna does discuss the user being detected when before a user was not detected. That moment of transition takes a finite period of time. Again, applicant may be intending more, but this is not in the claim recitation.

Regarding claim 8, again, the recitation may reasonably be interpreted broadly. Even based on applicant's arguments on page 12 which focus on the antenna signal being switched on and off, note that switching on and off of the signal in Abruna in fact changes from a standby or non fully functioning mode, to an active mode. On pages 12-13 of applicant's arguments (starting at the last line of page 12) , applicant argues that Abruna switching from a standby mode to an active mode would "not happen by 'powering up the display device' as recited" but this recitation is taken out of context. The claim first recites "causing an effect on the display device" and then recites "powering up the display device from a standby mode to an active mode" and thus the powering up is switching of the mode, again accomplished by Abruna.

Claim 15 is argued like claim 1 and Examiner's response follows the same as that for claim 1.

Regarding claim 30, the claim merely recites "...processing speed of the second processor **can** be affected by the signal." In Abruna, the processing speed also **can** be affected by the signal, that is, this is capable of happening based on the signal.

Note however that in view of applicant's comments, the 112 rejection has been removed.

Applicant is invited to contact Examiner to discuss claim interpretation.

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174
